

LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 1992

No. 13

Introduced by Council Members Eisland and Cerullo III; also Council Members Crispino, Dear, Koslowitz, Horwitz, Albanese and McCaffrey.

A LOCAL LAW

To amend the Administrative Code of the City of New York in relation to advertising the availability of taxicab and for-hire vehicle services.

Be it enacted by the Council as follows:

Section 1. Section 19-528 of the administrative code of the city of New York, as added by local law number six for the year 1990, is hereby renumbered as section 19-529.

2. Subdivision c of section 19-506 of such code, as amended by local law number 88 for the year 1989, is amended to read as follows:

c. (1) No person shall operate or permit to be operated any vehicle bearing the words "hack," "taxi," "taxicab," "cab," "coach," "for-hire vehicle," "livery," "limousine," or other designation of similar import unless the vehicle is licensed as a taxicab, coach or for-hire vehicle, as appropriate, and the driver has an appropriate driver's license under this chapter, nor shall any person advertise or hold himself or herself out as doing business as a taxi, taxicab, hack or coach service unless he or she holds a vehicle license and medallion for each vehicle used therefor, nor shall any person advertise or hold himself or herself out as doing business as a "limousine service," "livery service," a "for-hire vehicle service," or other similar designation unless a for-hire vehicle license is in effect for each vehicle used therefor, nor shall any person advertise or hold himself or herself out as doing business as a wheelchair accessible van service or other similar designation unless a wheelchair accessible van license is in effect for each vehicle used therefor.

(2) *Any person required to obtain a license under this chapter shall conspicuously state in all print and broadcast advertising, with respect to such licensed activity, the vehicle license number and that the activity is licensed by the commission; provided, however, that as applied to the owner of a for-hire vehicle base station, or wheelchair accessible van base station, such license number shall be the number of the license issued to such base station; provided further, that the requirement of this subdivision respecting the display of vehicle license numbers in print and broadcast advertising shall not apply to any owner of five or more taxicabs.*

3. Subdivision e of such section and code is amended to read as follows;

e. As an alternative to the penalties provided for the violation of subdivisions b, c and d of this section, any person who shall violate any of the provisions of such subdivisions shall be liable for a civil penalty of not less than one hundred dollars nor more than five hundred dollars for each violation. A proceeding to impose such a civil penalty or a civil penalty prescribed in subdivision f of this section shall be commenced by the service of a notice of

violation returnable before the commission or an administrative tribunal of the commission. The commission or such tribunal, after a hearing as provided by the rules and regulations of the commission, shall have the power to enforce its decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision c of section two thousand three hundred three of the charter.

4. Subdivision f of such section and code is relettered as subdivision h and new subdivisions f and g are added to read respectively as follows:

f. As an alternative to the penalties provided for the violation of subdivision c of this section, the commission, after notice and hearing, shall be authorized to impose the civil penalties provided in this subdivision upon any person found to have advertised in print or in a broadcast medium in violation of such subdivision, provided, however, that such civil penalties may be imposed only when such person was not licensed by the commission at the time of such violation. Such penalties shall be levied for each broadcast in violation of such subdivision and shall be not less than one hundred dollars nor more than five hundred fifty dollars for each such broadcast. Such penalties for printed advertisements shall be levied for each publication and shall be determined based on the period of time the publication in which the advertisement appears remains current. The current period shall be determined as that time when a publication is initially offered for sale or distribution until the period when the next dated publication is offered for sale or distribution. In no case shall this period be less than twenty-four hours. If the current period is:

daily, such penalty shall be not less than one hundred dollars nor more than five hundred dollars per day;

weekly, such penalty shall be not less than two hundred fifty dollars nor more than seven hundred fifty dollars;

greater than one week and not more than one month, such penalty shall be not less than seven hundred fifty dollars nor more than one thousand dollars; and

greater than one month, such penalty shall be not less than one thousand dollars nor more than two thousand dollars.

g. The commission shall undertake a public awareness campaign advising the public to patronize only licensed taxicabs and for-hire vehicles and, when selecting a taxicab or for-hire vehicle from an advertisement, to look for the commission license number in any such advertisement.

5. This local law shall take effect thirty days after it shall have become a law, provided that paragraph (2) of subdivision c of section 19-506 of the administrative code of the city of New York as amended by section two of this local law and subdivision f of such section as added by section four of this local law shall apply only to advertisements broadcasted or printed on or after the effective date of this local law.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, S.S.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 19, 1991, and approved by the Mayor on January 7, 1992.

CARLOS CUEVAS, City Clerk, Clerk of the Council

CERTIFICATION PURSUANT TO MUNICIPAL HOME RULE LAW § 27

Pursuant to the provisions of Municipal Home Rule Law § 27, I hereby certify that the enclosed local law (Local Law 13 of 1992, Council Int. No. 738-A) contains the correct text and:

Received the following vote at the meeting of the New York City Council on December 19, 1991: 34 for, 0 against.

Was approved by the Mayor on January 7, 1992.

Was returned to the City Clerk on January 8, 1992.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel